

Pohle, David

From: Fischer, Lauren
Sent: Wednesday, May 04, 2016 11:27 AM
To: Pohle, David
Subject: RE: Article 78, Martville Mine, Sterling (T) Cayuga County

Thanks, would love to see the decision if/when you receive it! Thanks for sharing.

-----Original Message-----

From: Pohle, David
Sent: Wednesday, May 04, 2016 10:41 AM
To: Montella, Daniel <Montella.Daniel@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: FW: Article 78, Martville Mine, Sterling (T) Cayuga County

-----Original Message-----

From: Crawford, Margaret A LRB [mailto:Margaret.A.Crawford@usace.army.mil]
Sent: Wednesday, May 04, 2016 10:28 AM
To: Pohle, David <Pohle.David@epa.gov>; Metivier, Steven V LRB <Steven.V.Metivier@usace.army.mil>
Cc: Robinson, Judy A LRB <Judy.A.Robinson@usace.army.mil>; Brown, Bridget LRB <Bridget.Brown@usace.army.mil>; Smith, Aaron C LRB <Aaron.C.Smith@usace.army.mil>; Keppner, Harold T LRB <Harold.T.Keppner@usace.army.mil>
Subject: FW: Article 78, Martville Mine, Sterling (T) Cayuga County

FYI - see below regarding the Martville Mine.

Margaret Crawford, Biologist
U.S. Army Corps of Engineers
Buffalo District - Regulatory Branch
7413 County House Road
Auburn, New York 13021
315-255-8090 x3
www.lrb.usace.army.mil/missions/regulatory

-----Original Message-----

From: Bimber, David L (DEC) [mailto:david.bimber@dec.ny.gov]
Sent: Wednesday, May 04, 2016 10:20 AM
To: Crawford, Margaret A LRB <Margaret.A.Crawford@usace.army.mil>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: [EXTERNAL] Article 78, Martville Mine, Sterling (T) Cayuga County

Maggie & Katherine:

Yesterday in NYS Supreme Court, Auburn; Judge Fandrich dismissed Article 78 proceedings against the Department, The Town of Sterling, and the mining applicant C.J. Ferlito. The Article 78 petition was filed by petitioners Fichera, et al. citing inadequacies in the Department's SEQR review and issuance of a permit for a 35+ acre sand and gravel mine in the Town of Sterling, Cayuga County. Additionally the petition included FOIL and Open Meetings law problems with DEC and the Town. The petitioner's have right of appeal of the decision. The final decision will be issued by the Court in the next few weeks. Please let me know if you need any information regarding this case, petitions, affidavits, etc. I will forward the written final decision when available.

Thanks,

Dave

David L. Bimber

Regional Permit Administrator, Division of Environmental Permits

New York State Department of Environmental Conservation

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